IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 7419 OF 2006

Dr. Nanda Nitin Kanade & ors.... Petitioner

versus

Dr. Nitin Namdeo Kamade ..... Respondent.

Mrs. Badadare i/b P.R.Arjunwadkar for the petitioner.
Shri R.V.Bansode for the respondent.

CORAM; A.P. DESHPANDE, J.
DATED; 09TH AUGUST, 2007

P.C.:

1. The learned counsel for the petitioner seeks permission to withdtaw the writ petition with liberty to move an application seeking a right to reside in the matrimonial house described in paragraph 18 of the plaint, uninfluenced by the observations made by C.J.S.D., Nashik in the impugned order dated 31-7-2006. At this stage in all fairness the learned counsel appearing for the respondent submits that the respondent is ready and willing to make available any one of the flat described in para 18(a), (b) or (c) to the petiitoner and his daughter for residence. The learned counsel for the petiitoner submits that the petititoner will exercise the option before the trial court. In this view of the matter I permit the petitioner to withdraw the writ petition with liberty as prayed for. Hence this writ petition is dismissed

as withdrawn.